



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

October 4, 1990

Honorable Alvin Roy Granoff  
Chairman  
State, Federal & International  
Relations Committee  
Texas House of Representatives  
P. O. Box 2910  
Austin, Texas 78768-2910

LO-90-72

Dear Representative Granoff:

You request our opinion regarding the construction of the phrase "full amount of a person's salary" as used in subsection 143.045(c) of the Local Government Code. That statute provides:

(c) Except as otherwise provided by Section 143.116, a fire fighter or police officer who leaves the classified service for any reason is entitled to receive in a lump-sum payment the full amount of the person's salary for accumulated sick leave if the person has accumulated not more than 90 days of sick leave. If a fire fighter or police officer has accumulated more than 90 working days of sick leave, the person's employer may limit payment to the amount that the person would have received if the person had been allowed to use 90 days of accumulated sick leave during the last six months of employment. The lump-sum payment is computed by compensating the fire fighter or police officer for the accumulated time at the highest permanent pay classification for which the person was eligible during the last six months of employment. The fire fighter or police officer is paid for the same period for which the person would have been paid if the person had taken the sick leave but does not include additional holidays and any sick leave or vacation time that the person might have accrued during the 90 days.

Subsection 143.041(c) declares:

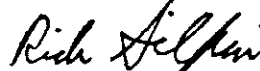
(c) In addition to the base salary, each fire fighter or police officer is entitled to each of the following types of pay, if applicable:

- (1) longevity or seniority pay;
- (2) educational incentive pay as authorized by Section 143.044;
- (3) assignment pay as authorized by Section 143.042 and 143.043;
- (4) certification pay as authorized by Section 143.044; and
- (5) shift differential pay as authorized by Section 143.047.

Subsection 143.045(c) makes clear that the lump-sum payment must be equivalent to the pay the individual would have received "if the person had taken the sick leave," but it specifically excludes "additional holidays and any sick leave or vacation time" that he might have accrued during the maximum 90-day period. If the individual would have received all those additional payments listed in subsection 143.041(c) if he had actually taken off for sick leave, he must be compensated for them when he leaves the classified service pursuant to subsection 143.045(c) and receives a lump-sum payment.

Thus, in answer to your question, a city may not meet its obligation under subsection 143.045(c) by providing a firefighter with a lump-sum payment which represents the person's base salary only.

Yours very truly,



Rick Gilpin  
Chairman  
Opinion Committee

RG/lcd

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